

EXHIBIT 1

Case No.: _____

**MARY ACKERMAN, Individually
and as Personal Representative of the
ESTATE OF THOMAS ACKERMAN
2700 Park Heights Drive
Baldwin, MD 21013**

and

**CHARLES V. ADAMS
CHRISTIANNE M. ADAMS
2909 Franklins Chance Drive
Fallston, MD 21047**

and

JOHN ALEXIS
1010 East Lake Avenue
Baltimore, MD 21212

**As Former Resident and Titleholder to:
2712 Hunting Ridge Court
Baldwin, MD 21013**

and

CHARLES J. ARKINS
LULA M. ARKINS
2703 Terra Vista Drive
Baldwin, MD 21013

and

THOMAS J. ARNO
AMY H. ARNO
Both individually, and as next friends of
ALEX ARNO
ETHAN ARNO
2998 Lyndebrooke Court
Fallston, MD 21047

and

**ROBERT A. ASKIN
HELEN V. ASKIN
2832 Cross Country Court
Fallston, MD 21047**

and

RICKY G. ASTARITA
PATSY L. ASTARITA
Both individually, and as next friends of
ALEXANDRA N. ASTARITA
GRACE M. ASTARITA
EMILY ASTARITA, Individually
3004 Sheffield Court
Fallston, MD 21047

and

**LIONEL J. BANE
LOU ANN BANE
2507 Derby Drive
Fallston, MD 21047**

and

**TIMOTHY BANKS
SUSAN E. BANKS
KRISTIN E. BANKS
TIMOTHY BANKS
2533 Greene Road
Baldwin, MD 2101**

and

**DEBRA L. BARE
LARRY G. BARE
CODY BARE
2621 Fallston Road
Fallston, MD 21047**

and

TONYA FREUND
200 Oak Leaf Circle
Apartment 200-A
Abingdon, MD 21009

As Former Resident of:
2621 Fallston Road
Fallston, MD 21047

and

**THOMAS J. BARGER
KRISTIN C. BARGER
Both individually, and as next friends of
KEEGAN BARGER
FINLEY BARGER
GAVIN BARGER
NATHANIEL BARGER
2313 Franklins Chance Court
Fallston, MD 21047**

and

**SEBASTIANO BARRESI
ROSE BARRESI
2805 Orchard Lakes Drive
Baldwin, MD 21013**

and

STEVE BAVETT
ANNA M. BAVETT
5430 Patterson Road
Baldwin, MD 21013

**As Former Residents and Titleholders to:
2809 Orchard Lakes Drive
Baldwin, MD 21013**

and

**STEVE BAVETT
ANNA M. BAVETT
As next friends of
MATTHEW BAVETT
5430 Patterson Road
Baldwin, MD 21013**

**As Former Resident of:
2809 Orchard Lakes Drive
Baldwin, MD 21013**

and

ANNA M. BAVETT
As next friend of
NICHOLAS LIBERTO
Baldwin, MD 21013

As Former Resident of:
2809 Orchard Lakes Drive
Baldwin, MD 21013

and

GRACE BAYNE
1123 Belcamp Garth
Lorien Riverside, Room 113A
Belcamp, MD 21018

As Former Resident and Titleholder to:
2508 Greene Road
Baldwin, MD 21013

and

DANIEL BEAUCHEMIN
STELLA E. BEAUCHEMIN
2705 Farmview Drive
Fallston, MD 21047

and

JOSHUA R. BLEVINS
2212 Melrose Lane
Forest Hill, MD 21050

As Former Resident of:
2917 Nelson Lane
Fallston, MD 21047

and

HOWARD H. BOND
JUNE BOND
2330 Baldwin Mill Road
Fallston, MD 21047

and

RONALD BONNER
RUTH M. BONNER
2320 Franklins Chance Court
Fallston, MD 21047

and

**KENNETH M. BRADLEY
CAROL J. BRADLEY
2700 Golf Court
Baldwin, MD 21013**

and

BERNADETTE M. BRANNAN
1815 Selvin Drive, Unit 104
Bel Air, MD 21015

**As Former Resident and Titleholder to:
2515 Tally Ho Drive
Fallston, MD 21047**

and

RAYMOND E. BREHM, JR.
CONSTANCE M. BREHM
1330 Rock Ridge Road
Jarrettsville, MD 21084

**As Former Residents and Titleholders to:
2817 Scarff Road
Fallston, MD 21047**

and

**As Titleholders to:
2821 Scarff Road
Fallston, MD 21047**

and

LOIS J. BRODOWSKI
2701 Crystal Lane
Baldwin, MD 21013

and

PAUL J. BROOKS
MICHELLE D. BROOKS
Both individually, and as next friends of
SCOTT D. BROOKS
ZACHARY T. BROOKS, Individually
ALEXANDER M. BROOKS, Individually
2401 Haddon Hurst Court
Fallston, MD 21047

and

PEBBLE K. BROWNLEY
1819 Selvin Drive, Unit 403
Bel Air, MD 21015

**As Former Resident and Titleholder to:
2800 Baldwin Mill Road
Baldwin, MD 21013**

and

URSULA CAIN-JORDAN
DALE B. JORDAN
P.O. Box 90
Baldwin, MD 21013

**As Residents and Titleholders to:
2807 Greene Road
Baldwin, MD 21013**

and

JOHN F. CALLAHAN
DOROTHY H. CALLAHAN
8820 Walther Boulevard, Apt. 3203
Parkville, MD 21234

**As Former Residents and Titleholders to:
2612 Greene Road
Baldwin, MD 21013**

and

**As Titleholders to:
NS Greene Road
Upper Crossroads
Baldwin, MD 21013
Map: 47, Grid: 1A, Parcel: 292
MD SDAT Account #04-009932**

and

LUKE J. CANFIELD
JANELLE M. CANFIELD
Both individually, and as next friends of
SUMMER A. CANFIELD
2624 Greene Road
Baldwin, MD 21013

and

and

**As Residents and Titleholders to:
2214 Choate Road
Fallston, MD 21047**

and

CHARLES DAVID CAYCE, IV
2987 Shangri La Road
Stewartstown, PA 17363

**As Former Resident and Titleholder to:
2517 Greene Road
Baldwin, MD 21013**

and

RANDY LOUGHRY
Individually and as next friend of
CAYCE S. LOUGHRY
CAYLA D. LOUGHRY
14 Peterson Street
Avella, MD 15312

As Former Residents of:
2517 Greene Road
Baldwin, MD 21013

and

KIMBERLEE A. LOUGHRY
3075 Shangri La Road
Stewartstown, PA 17363

As Former Resident of:
2517 Greene Road
Baldwin, MD 21013

and

**RONALD A. CLARK
CAROL F. CLARK
2605 Fallston Road
Fallston, MD 21047**

and

ALBERT P. CLASS
CAROLYN L. CLASS
2523 Greene Road
Baldwin, MD 21013

and

**MICHAEL COFIELL
DARLENE S. COFIELL
2701 Hunting Ridge Court
Baldwin, MD 21013**

and

JESSE L. COLEMAN
PATRICIA H. COLEMAN
2315 Willow Vale Drive
Fallston, MD 21047

and

**JOHN C. COLT
FRANCES H. COLT
2271 Baldwin Mill Road
Fallston, MD 21047**

and

JOHN S. COMBS
2710 Farmview Drive
Fallston, MD 21047

and

SEA UN COMBS
200 Towsontown Court, Apt. 406
Towson, MD 21204

**As Former Resident and Current Titleholder
to:
2710 Farmview Drive
Fallston, MD 21047**

and

OWEN CONNOLLY
NANCY L. CONNOLLY
2528 Greene Road
Baldwin, MD 21013

and

MARY D. CONWAY
2504 Greene Road
Baldwin, MD 21013

and

CHARLES H. COON, JR.
DEBORAH A. COON
LAUREN COON
2907 Franklins Chance Drive
Fallston, MD 21047

and

JORDAN COON
9 Taft Street
Aberdeen, MD 21001

As Former Resident of:
2907 Franklins Chance Drive
Fallston, MD 21047

and

**JAMESON COOPER
KATHERINE A. COOPER
Both individually, and as next friends of
ISABELLA COOPER
EMILIE COOPER
ROWAN COOPER
2701 Farmview Drive
Fallston, MD 21047**

and

JOHN L. COUNCILMAN
DEBORAH J. COUNCILMAN
10136 Avalon Lake Circle
Ft. Myers, FL 33913

**As Former Residents and Titleholders to:
2613 Fallston Road
Fallston, MD 21047**

and

**As Former Titleholders to:
2654 Baldwin Mill Road
Baldwin, MD 21013**

and

**COLLEEN CRAVEN
HARRY F. CRAVEN
EMILY GLASER
MARK GLASER
2826 Orchard Lakes Drive
Baldwin, MD 21013**

and

**DOUGLAS W. TOWNSLEY, POA for
HELEN A. CROWE
2702 Raynham Court
Baldwin, MD 21013**

As Former Resident and Titleholder to:
2715 Hunting Ridge Court
Baldwin, MD 21013

and

ROBERT F. D'ANGELO
ELIZABETH A. D'ANGELO
3107 Preakness Drive
Fallston, MD 21047

and

**CAROLINE DASCHER
KENNETH W. DASCHER, JR.
Both individually, and as next friends of
MEGAN DASCHER
EMILY DASCHER
NATHAN DASCHER
2709 Hunting Ridge Court
Baldwin, MD 21013**

and

JOHN H. DAVIDS
DONNA J. DAVIDS
2404 Derby Drive
Fallston, MD 21047

and

**GLORIA DAVIS
WILLIAM F. DAVIS
Both individually, and as next friends of
CHAD DAVIS
2603 Greene Road
Baldwin, MD 21013**

and

CHRISTOPHER P. DELVECCHIO
PAMELA A. DELVECCHIO
Both individually, and as next friends of
JENNIFER DELVECCHIO
2312 Choate Road
Fallston, MD 21047

and

VINCENT DIFATTA
TERESA L. DIFATTA
Both individually, and as next friends of
SEAN M. DIFATTA
TIMOTHY DIFATTA, Individually
JEFFREY DIFATTA, Individually
2702 Stanley Drive
Baldwin, MD 21013

and

DAVID P. DIGIORGIO
MALLORY S. LEGGE-DIGIORGIO
Both individually, and as next friends of
PHILIP A. DIGIORGIO
MORGAN L. DIGIORGIO
2502 Fox Road
Fallston, MD 21047

and

JOHN T. DITILLO
2605 Stanley Drive
Baldwin, MD 21013

and

RICHARD W. DOYLE
SHIRLEY A. DOYLE
2705 Fallston Road
Fallston, MD 21047

and

CELESTE DUNSTAN
ALBERT K. DUNSTAN
104 13th Street, Unit 31
Ocean City, MD 21842

**As Former Residents and Titleholders to:
2712 Terra Vista Drive
Baldwin, MD 21013**

and

CHRISTIE E. DUNSTAN
102 E Swarthmore Drive, Apt. E
Towson, MD 21204

As Former Resident of:
2712 Terra Vista Drive
Baldwin, MD 21013

and

ALEXANDER A. DUNSTAN
9 Nutmeg Knoll Court
Cockeysville, MD 21030

**As Former Resident of:
2712 Terra Vista Drive
Baldwin, MD 21013**

and

**LARRY L. ELLIOTT
PAULA A. ELLIOTT
LAURA ELLIOTT
JESSICA CARLOZO
NICOLE CARLOZO
JOSEPH CARLOZO
2903 Franklins Chance Drive
Fallston, MD 21047**

and

**BEATRICE ELMO
PETER ELMO
2706 Hunting Ridge Court
Baldwin, MD 21013**

and

**PHYLLIS ERCOLANO
ERNESTO ERCOLANO
2823 Cross Country Court
Fallston, MD 21047**

and

CYRUS R. ETEMAD-MOGHADAM
MELODY A. ETEMAD-MOGHADAM
 Both individually, and as next friends of
FIRUZ R. ETEMAD-MOGHADAM
REZA A. ETEMAD-MOGHADAM
 3004 Franklins Chance Court
 Fallston, MD 21047

and

WILLIAM J. FAKAS
ANASTASIA FAKAS
 Both individually, and as next friends of
NICOLETTA FAKAS
JOHN FAKAS, Individually
2417 Haddon Hurst Court
Fallston, MD 21047

and

JOAN L. FALANGA
2403 Haddon Hurst Court
Fallston, MD 21047

JEROME K. FERRARA
KRISTINA FERRARA
2915 Nelson Lane
Fallston, MD 21047

JEROME K. FERRARA
As next friend of
KIRSTEN P. FERRARA
NATHAN J. FERRARA
2915 Nelson Lane
Fallston, MD 21047

KRISTINA FERRARA
As next friend of
JOSEPH LAUMAN
KIERSTEIN HELFER
2915 Nelson Lane
Fallston, MD 21047

GEORGE V. FIALKOWSKI
CAROL L. FIALKOWSKI
2804 Orchard Lakes Drive
Baldwin, MD 21013

DEMETRIOS FILIPIDIS
ROBIN L. FILIPIDIS
 Both individually, and as next friends of
GEORGE FILIPIDIS
 2413 Haddon Hurst Court
 Fallston, MD 21047

and

AILEEN FLANAGAN
JOHN S. FLANAGAN
21 Manor Brook Road
Monkton, MD 21111

**As Former Residents and Titleholders to:
2806 Orchard Lakes Drive
Baldwin, MD 21013**

and

**AILEEN FLANAGAN
JOHN S. FLANAGAN**
As next friends of
GRACE FLANAGAN
21 Manor Brook Road
Monkton, MD 21111

As Former Resident of:
2806 Orchard Lakes Drive
Baldwin, MD 21013

and

**RONALD L. FOX
KATHLEEN FOX
RICHARD A. FORD, III
DAMION M. FORD
2601 Stanley Drive
Baldwin, MD 21013**

and

RALPH M. FRENCH
JUDY R. FRENCH
2807 Orchard Lakes Drive
Baldwin, MD 21013

and

GERARD FREY
724 Winterfield Court
Bel Air, MD 21015

**As Former Resident and Titleholder to:
2303 Franklins Chance Court
Fallston, MD 21047**

and

**JOHN P. FRIES
LYNNE M. SCHMIDT-FRIES
2801 Greene Road
Baldwin, MD 21013**

and

BARRY G. GABLER
CYNTHIA L. SODUS
Both individually, and as next friends of
GRACE GABLER
ANNALEE GABLER
2825 Glen Keld Court
Baldwin, MD 21013

and

ROBERT A. GALLO
AUDREY GALLO
2512 Greene Road
Baldwin, MD 21013

and

**FRED C. GEBHARDT, Individually
and as Personal Representative of the
ESTATE OF TERI M. GEBHARDT
JOCELYN GEBHARDT, Individually
2301 Franklins Chance Court
Fallston, MD 21047**

and

CHELSEA GEBHARDT
1944 N. Lincoln Avenue
Chicago, IL 60614

As Former Resident of:
2301 Franklins Chance Court
Fallston, MD 21047

and

PATRICIA O'NEILL
Personal Representative of the
ESTATE OF ELIZABETH C. GENDIMENICO
816 Gary Drive
Kingsville, MD 21087

As Former Resident and Titleholder to:
2356 Choate Road
Fallston, MD 21047

and

PETER C. GEORGOPOULOS
SUSAN E. GEORGOPOULOS
3008 Franklins Chance Drive
Fallston, MD 21047

and

**WILLIAM GILL
BETTE L. GILL
2010 Mill Dale Court
Fallston, MD 21047**

**As Former Residents and Titleholders to:
2710 Hunting Ridge Court
Baldwin, MD 21013**

and

**JAMES D. GILPATRICK
MICHAEL A. GILPATRICK
2744 Greene Road
Baldwin, MD 21013**

and

SCOTT M. GOLLY
2607 Fallston Road
Fallston, MD 21047

and

THOMAS H. GOULD
JUDITH H. GOULD
2827 Cross Country Court
Fallston, MD 21047

and

**JOANNE GRAHAM
GERALD A. GRAHAM
2807 Glen Keld Court
Baldwin, MD 21013**

and

**ROBERT F. GRANT
BONNIE L. GRANT
2352 Choate Road
Fallston, MD 21047**

STACEY L. GUZMAN
MICHAEL A. GUZMAN
Both individually, and as next friends of
TYLER GUZMAN
2403 Trinity Place
Fallston, MD 21047

and

**SHIRLEY HALL
STEVEN HALL
2807 Artemus Court
Baldwin, MD 21013**

and

**THELMA E. HAMEL
JO ANN E. GEARE
2829 Cross Country Court
Fallston, MD 21047**

and

**MICHAEL HARMON, POA for
WILLIAM B. HARMON
2802 Cross Country Court
Fallston, MD 21047**

and

**MICHAEL HARMON
DAWNE JACOBS**
Both individually, and as next friends of
ZACHARY HARMON
2802 Cross Country Court
Fallston, MD 21047

and

and

**As Former Resident and Titleholder to:
2706 Stanley Drive
Baldwin, MD 21013**

and

As Former Residents of:
2706 Stanley Drive
Baldwin, MD 21013

and

**As Former Resident and Titleholder to:
2706 Stanley Drive
Baldwin, MD 21013**

and

**LISA R. HESSELTINE
MARK C. HESSELTINE
Both individually, and as next friends of
KENNETH HESSELTINE
3111 Preakness Drive
Fallston, MD 21047**

and

JIMMY J. HOLLER
BARBARA A. HOLLER
2700 Stanley Drive
Baldwin, MD 21013

and

**LARRY W. HOOPER
PAMELA E. HOOPER
2310 Baldwin Mill Road
Fallston, MD 21047**

and

**GWYN HOUSTON
JANICE A. HOUSTON
P.O. Box 399
Fallston, MD 21047**

**As Co-Titleholders to:
2703 Fallston Road
Fallston, MD 21047**

and

DAVID J. HOYT
KATHLEEN H. HOYT
Both individually, and as next friends of
EMILY E. HOYT
LESLIE M. HOYT
VIRGINIA A. HOYT, Individually
3007 Franklins Chance Drive
Fallston, MD 21047

and

**JAMES D. HUNTER
BONNIE L. HUNTER
ALLISON L. HUNTER
JAMES D. HUNTER, JR.
JEFFREY M. HUNTER
3010 Franklins Chance Drive
Fallston, MD 21047**

and

SCOTT IANNANTUONO
KIMBERLY S. IANNANTUONO
3933 Briar Knoll Circle
Phoenix, MD 21131

**As Former Residents and Titleholders to:
2708 Farmview Drive
Fallston, MD 21047**

and

and

JENNIFER JOHNSON
GREGORY B. JOHNSON
804 Stiles Court
Joppa, MD 21085

**As Former Residents and Titleholders to:
2718 Greene Road
Baldwin, MD 21013**

and

JENNIFER JOHNSON
GREGORY B. JOHNSON
As next friends of
RYAN JOHNSON
HAILEY JOHNSON
804 Stiles Court
Joppa, MD 21085

As Former Residents of:
2718 Greene Road
Baldwin, MD 21013

and

**WALTER G. JUNG
BARBARA A. JUNG
3001 Franklins Chance Drive
Fallston, MD 21047**

and

**HENRY V. KAHL
HARRIET F. KAHL
HARRY J. CIMBOLO
2300 Franklins Chance Drive
Fallston, MD 21047**

and

ALP A. KAYABASI
CHRISTY L. KAYABASI
Both individually, and as next friends of
CARLEY A. KAYABASI
ASHLEY D. KAYABASI
2608 Stanley Drive
Baldwin, MD 21013

and

**RANDALL S. KEISER
LOURDES Z. KEISER
2900 Franklins Chance Drive
Fallston, MD 21047**

and

STERLING LYTLE
Personal Representative of the
ESTATE OF HAROLD J. KELLY
3209 Jarrettsville Pike
Monkton, MD 21111

As Former Resident and Titleholder to:
2507 Greene Road
Baldwin, MD 21013

and

**As Former Resident of:
2924 Baldwin Mill Road
Baldwin, MD 21013**

and

MICHAEL KELLY
JOAN M. KELLY
209 Stanford Drive
Chester Springs, PA 19425

**As Former Residents and Titleholders to:
2300 Windswept Court
Fallston, MD 21047**

**COLLEEN KELLY
RYAN PROTZKO
DEVIN PROTZKO
KELLY PROTZKO
3000 Lyndebrooke Court
Fallston, MD 21047**

MARK B. KING
CHRISTINA M. KING
Both individually, and as next friends of
LAURA KING
TRAVIS BOWEN, Individually
2318 Baldwin Mill Road
Fallston, MD 21047

JACQUELINE M. KING
2207 Nodleigh Terrace
Jarrettsville, MD 21084

and

BRENDAN C. KLUGE, JR.
10104 Nicholson Road
Ellicott City, MD 21042

and

BRENDAN C. KLUGE, JR.
As next friend of
RYLEE KLUGE
MACKENZIE KLUGE
BRENDAN C. KLUGE, III, Individually
10104 Nicholson Road
Ellicott City, MD 21042

**As Former Residents of:
2408 Haddon Hurst Court
Fallston, MD 21047**

and

SUSAN KLUGE
413 Rose Way
Bel Air, MD 21014

**As Former Resident and Titleholder to:
2408 Haddon Hurst Court
Fallston, MD 21047**

and

SUSAN KLUGE
As next friend of
RYLEE KLUGE
MACKENZIE KLUGE
413 Rose Way
Bel Air, MD 21014

**As Former Residents of:
2408 Haddon Hurst Court
Fallston, MD 21047**

and

**CAROLE A. KLUNK, Individually
and as Personal Representative of the
ESTATE OF JOSEPH A. KLUNK
2513 Fox Road
Fallston, MD 21842**

and

**JAN E. KOLAKOWSKI
GLEELA D. KOLAKOWSKI
ERIKA KOLAKOWSKI
2610 Stanley Drive
Baldwin, MD 21013**

and

**EDWARD D. KOSIBA
JUDITH A. KOSIBA
2813 Glen Keld Court
Baldwin, MD 21013**

and

KENNETH E. KRAUSZ
MARIE C. KRAUSZ
2336 Baldwin Mill Road
Fallston, MD 21047

and

**JOHN F. KRESS
SHARON J. KRESS
2815 Orchard Lakes Drive
Baldwin, MD 21013**

and

**KEVIN J. KRIVACSY, Individually
and as Personal Representative of the
ESTATE OF RUTH A. KRIVACSY
1269 Zion Church Road
Blythewood, SC 29016**

**As Former Residents and Titleholders to:
2825 Cross Country Court
Fallston, MD 21047**

and

JAMES P. KUHLMAN
JULIE C. KUHLMAN
Both individually, and as next friends of
SHELBY A. KUHLMAN
SCOTT C. KUHLMAN, Individually
3002 Floribunda Court
Fallston, MD 21047

and

CLARKE LANGRALL, JR.
MARY M. LANGRALL
2622 Greene Road
Baldwin, MD 21013

and

CLARKE LANGRALL, JR.
MARY M. LANGRALL
2622 Greene Road
Baldwin, MD 21013

**As Former Titleholders to:
2700 Greene Road
Baldwin, MD 21013**

and

CLARKE LANGRALL, JR.
MARY M. LANGRALL
2622 Greene Road
Baldwin, MD 21013

**As Former Residents and Titleholders to:
2640 Greene Road
Baldwin, MD 21013**

and

JOHN S. LANGRILL
LINDA D. LANGRILL
2717 Hunting Ridge Court
Baldwin, MD 21013

and

LEAH LANGRILL CHILDS
4845 Long Green Road
Glen Arm, MD 21057

As Former Resident of:
2717 Hunting Ridge Court
Baldwin, MD 21013

and

JOSHUA LANGRILL
3015 5th Avenue
Baltimore, MD 21234

**As Former Resident of:
2717 Hunting Ridge Court
Baldwin, MD 21013**

and

FRANCIS X. LAUER
JUDITH A. LAUER
2555 Baldwin Mill Road
Baldwin, MD 21013

and

**ROBERT S. LINDSAY, Individually
and as Personal Representative of the
ESTATE OF SHARON V. LINDSAY
2709 Farmview Drive
Fallston, MD 21047**

**As Former Residents and Titleholders to:
2305 Franklins Chance Court
Fallston, MD 21047**

and

**ROBERT S. LINDSAY, Individually
and as Personal Representative of the
ESTATE OF SHARON V. LINDSAY
2709 Farmview Drive
Fallston, MD 21047**

and

**HOPE LOOKINGLAND
MICHAEL LOOKINGLAND
3102 Preakness Drive
Fallston, MD 21047**

and

DAWN L. LUPICA
CARL R. LUPICA
Both individually, and as next friends of
AUGUSTINE C. LUPICA
VINCENT J. LUPICA
3005 Floribunda Court
Fallston, MD 21047

and

**THOMAS J. LUSARDI
ANNABEL E. LUSARDI
Both individually, and as next friends of
MATTHEW LUSARDI
NATALIE LUSARDI
CHRISTINA LUSARDI
3000 Franklins Chance Drive
Fallston, MD 21047**

and

MICHAEL J. LYNCH
ALICIA LYNCH
P.O. Box 8
Fallston, MD 21047

**As Residents and Titleholders to:
2413 Derby Drive
Fallston, MD 21047**

and

MICHAEL J. LYNCH
ALICIA LYNCH
P.O. Box 8
Fallston, MD 21047

**As Titleholders to:
2834 Baldwin Mill Road
Baldwin, MD 21013**

and

**2R-2832 Baldwin Mill Road
Baldwin, MD 21013**

and

SAMUEL MACATEE
2507 Gainsford Road
Timonium, MD 21093

As Former Resident of:
2831 Cross Country Court
Fallston, MD 21047

and

**JOHN W. MARSHALL, JR.
PAULA M. MARSHALL**
Both individually, and as next friends of
OLIVIA GOODWIN-MARSHALL
2842 Scarff Road
Fallston, MD 21047

and

PAULA M. MARSHALL
As next friend of
MARIAH GOODWIN-AMOS
2842 Scarff Road
Fallston, MD 21047

and

**THE SUSAN C. MARSHALL
RECOVERABLE TRUST**
3001 Shepperd Road
Monkton, MD 21111

By its Trustee:
SUSAN C. MARSHALL
3001 Shepperd Road
Monkton, MD 21111

**As Titleholder to:
2842 Scarff Road
Fallston, MD 21047**

and

BRIAN R. MASTERSON
LYNN M. MASTERSON
Both individually, and as next friends of
COLLIN MASTERSON
LAUREN MASTERSON
2612 Stanley Dr
Baldwin, MD 21013

and

VINCENT T. MAZZIOTT
LINDA J. MAZZIOTT
2815 Cross Country Court
Fallston, MD 21047

and

EVELYN J. MCDERMOTT
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**As Former Resident and Titleholder to:
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Fallston, MD 21047**

and

TYLER M. MCDERMOTT
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As Former Resident of:
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and

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and

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and

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and

SCOTT DENNIS NICKEL
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and

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and

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and

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and

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and

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Individually and as next friend of
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ANITA E. HANSEN, Individually
2709-A Fallston Road
Fallston, MD 21047

and

MARK A. RUGGIERO
BARBARA RUGGIERO
3200 Tally Ho Place
Fallston, MD 21047

and

MARK A. RUGGIERO
BARBARA RUGGIERO
3200 Tally Ho Place
Fallston, MD 21047

**As Titleholders to:
LT 29 136/136 x 167
Fox Road or Tally Ho Drive
Harf Hunt Manor Pt 12/29
Fallston, MD 21047
Map: 38, Grid: 4F, Parcel: 67
MD SDAT Account #058003**

and

**LINDA C. RUTH
RICHARD A. RUTH
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Baldwin, MD 21013**

and

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BERNEATHA J. SAMPLE
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Baldwin, MD 21013**

and

SCOTT A. SAMPLE
420 E. Jarrettsville Road
Forest Hill, MD 21050

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Baldwin, MD 21013

and

**GREGORY H. SAMPLE
TINA SAMPLE
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HANNA SAMPLE
JEREMY SAMPLE
ALEX SAMPLE
2508-A Greene Road
Baldwin, MD 21013**

As Former Residents of:
2513 Greene Road
Baldwin, MD 21013

and

**DALE H. SAMPLE
SHIRLEY L. SAMPLE
2515 Greene Road
Baldwin, MD 21013**

and

STEVEN D. SAMPLE
2532 Greene Road
Baldwin, MD 21013

As Former Resident of:
2515 Greene Road
Baldwin, MD 21013

and

As Resident and Co-Titleholder to:
2532 Greene Road
Baldwin, MD 21013

and

DALE H. SAMPLE
2515 Greene Road
Baldwin, MD 21013

**As Co-Titleholder to:
2532 Greene Road
Baldwin, MD 21013**

and

**SALVATORE SAPIENZA
ANGELINA SAPIENZA
ALEXANDER SAPIENZA
NICHOLAS SAPIENZA
2415 Haddon Hurst Court
Fallston, MD 21047**

and

and

**As Former Residents and Titleholders to:
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Fallston, MD 21047**

and

and

and

64

and

**PAUL C. SCOTT
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VICTORIA B. SIMMONS
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VINCENT B. SIMMONS, Individually
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MICHAEL HENLEY
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As Former Resident of:
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Baldwin, MD 21013

and

THERESE M. SORRENTINO
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Abingdon, MD 21009

**As Titleholder to:
2817 Fallston Road
Fallston, MD 21047**

and

THERESE M. SORRENTINO
340 Sullivan Drive
Abingdon, MD 21009

**As Former Resident and Titleholder to:
2821 Fallston Road
Fallston, MD 21047
Map: 39, Parcel: 471, Lot: z
MD SDAT Account #044436**

and

**TERRI SPATARO
MARC A. SPATARO
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and

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and

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and

MILISSA LESTER
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and

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JOANNE STEPHEN
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and

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and

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DUREL C. THOMAS
3003 Sheffield Court
Fallston, MD 21047

and

and

and

and

and

STEPHEN WAGNER
TRACI A. WAGNER
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**As Former Residents and Titleholders to:
2414 Haddon Hurst Court
Fallston, MD 21047**

and

STEPHEN WAGNER
TRACI A. WAGNER
As next friends of
JESSICA WAGNER
TORI WAGNER
901 Terra Bella Court
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**As Former Residents of:
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Fallston, MD 21047**

and

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COURTNAY WALKER
Both individually, and as next friends of
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KENT WALKER
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Fallston, MD 21047**

and

**STEPHEN E. WALTERMYER
THERESA K. WALTERMYER
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Baldwin, MD 21013**

and

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TONY M. WIEGAND
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As Former Residents of:
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Baldwin, MD 21013

JOHN R. HICKS (d/b/a Crossroads Exxon)

Serve On:
PAUL ISHAK, Esquire
Stark and Keenan, P.A.
30 Office Street
Bel Air, MD 21014

and

EXXONMOBIL CORPORATION,
f/k/a EXXON CORPORATION
d/b/a CROSSROADS EXXON
1251 Avenue of the Americas
New York, New York 10020

Serve On:
ANDREW GENDRON, Esquire
Venable, LLP
750 East Pratt Street, Suite 900
Baltimore, MD 21202

Defendants

* * * * *

COMPLAINT

Plaintiffs, by their attorneys, the Law Offices of Peter G. Angelos, PC, sue Defendants Exxon Mobil Corporation ("Exxon") and John R. Hicks ("Hicks"), and allege as follows:

INTRODUCTION

1. This lawsuit seeks redress for Exxon's and Hicks' egregious failure to safely store and contain petroleum products at the former Upper Crossroads Exxon filling station ("Crossroads Exxon") located at 2800 Fallston Road, Fallston, Maryland. The Crossroads Exxon was in operation as a retail gasoline facility from 1987 to 2005. Defendants' conduct

over the course of years caused the catastrophic poisoning of the fresh water aquifer that supplies households in the Fallston/Baldwin area around the Crossroads Exxon station.

2. This Complaint reflects this Court's June 19, 2011 decertification of the class action. Many former class members, whose interests in this litigation were previously represented by the named class representatives, are herein named as individual plaintiffs. Their claims have been preserved against the statute of limitations under the principle of class action tolling, adopted by the Maryland Court of Appeals in *Philip Morris USA, Inc. v. Christensen*, 394 Md. 227, 255-256 (2006).

PARTIES

3. Plaintiffs are property owners, residents, and former residents who currently reside or have resided in the Fallston/Baldwin area in Harford County, Maryland from December, 1987 through the present. Their water supply has been and continues to be threatened by and/or contaminated with gasoline and petroleum hydrocarbons that contain, among other things, methyl tertiary-butyl ether ("MTBE"), tert-amyl methyl ether ("TAME") and benzene, toluene, ethylbenzene, toluene and xylene ("BTEX"). Plaintiffs have suffered substantial injuries and damages as a proximate result of Defendants' wrongful conduct, including, but not limited to, loss of property value and appreciation, loss of use and enjoyment of their properties, increased risk of significant adverse health problems necessitating medical monitoring, and/or other material non-economic fear and stress-related damages including increased anxiety and mental anguish.

4. Defendant John R. Hicks, d/b/a Crossroads Exxon, resides at 1040 Alexandria Way, Bel Air, Harford County, Maryland, 21014. Hicks operated Crossroads Exxon including

through a licensing, franchise, and/or other agreement with Exxon. Regarding matters complained of herein, both Defendants have acted in concert throughout the relevant period; hence, any allegation involving Exxon applies equally to Hicks.

5. Defendant Exxon, formerly known and d/b/a Exxon Corporation, owns the real property known as 2800 Fallston Road, Fallston, Maryland. In addition, upon information and belief, at all relevant times Exxon exercised legal authority over (and/or otherwise controlled with Hicks) the Crossroads Exxon formerly located at 2800 Fallston Road, Fallston, Maryland. Exxon owned the gasoline storage and distribution equipment at the former Crossroads Exxon station. Exxon was and is a duly organized foreign corporation authorized to do and transact business in the State of Maryland.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of this action, pursuant to, inter alia, the provisions of Md. Code Ann., Cts. & Jud. Proc. § 1-501. This Court has personal jurisdiction over the Defendants pursuant to, inter alia, the provisions of Md. Code Ann., Cts. & Jud. Proc. §§ 6-102 and 6-103.

7. Venue is proper in the Circuit Court for Harford County pursuant to, inter alia, the provisions of Md. Code Ann., Cts. & Jud. Proc. §§ 6-201 and 6-202: either this jurisdiction is a venue applicable to both Defendants; or, if there is no single venue applicable to both Defendants, one (or more) of them may be sued in this venue.

FACTS COMMON TO ALL COUNTS

8. From at least August, 1990 through and including the present and unbeknownst to Plaintiffs, the aquifer that provides water to properties around Crossroads Exxon was contaminated with petroleum hydrocarbons, gasoline, and gasoline constituents including MTBE as a result of Defendants' conduct complained of hereinafter.

9. Exxon was well aware of this ongoing contamination. Despite this knowledge, Exxon never made the necessary repairs and improvements to prevent the ongoing contamination. It did not level with the residents and warn them of the harm they faced. Most importantly, until 2005, it refused to honor its indisputable responsibility to *shut down* a station that had failed repeatedly over more than a decade to completely contain the thousands of toxic gallons stored underground. Exxon instead placed its economic interests ahead of the health and safety of the Plaintiffs.

10. Exposure to gasoline causes cancer and other illnesses in laboratory animals, induces DNA damage in humans, and increases the risk of cancer and other illnesses in humans. There is no known level of gasoline product and/or gasoline constituent product exposure that will not cause cellular damage and increase the risk of cancer and other illnesses in those exposed. Furthermore, Exxon's Material Safety Data Sheet identifies gasoline as hazardous to both persons and property.

11. Gasoline consists of chemical components that include benzene, toluene, ethylbenzene, and xylenes (known collectively as "BTEX"), which are known as aromatic hydrocarbons. Gasoline contains, on average, one to two percent (1-2 %) benzene, five to seven percent (5 to 7 %) toluene, two percent (2 %) ethylbenzene, up to ten percent (10%) xylene, and

thirty-five to forty-five percent (35 to 45 %) total aromatic hydrocarbons. Benzene has been identified as a human carcinogen. MTBE and TAME are gasoline additives designed to increase the octane, anti-knock rating and oxygen content of gasoline. MTBE is an ether that is produced from methanol and isobutylene, a by-product of the gasoline-refining process. In Maryland, MTBE was added to gasoline at approximately twelve to sixteen percent (12 to 16 %) by volume. MTBE is believed to be a constituent in smaller volumes of certain grades of gasoline that is presently stored and sold in Maryland.

12. MTBE has unique properties, including enhanced solubility in water and a chemical attraction to water molecules. MTBE is slow to degrade, or break down, once it is released into the environment, particularly in the subsurface of the ground. Because of its "recalcitrance," plumes of MTBE can persist in underground aquifers for decades.

13. MTBE is a probable human carcinogen. When MTBE is metabolized in the body, tertiary-butyl alcohol ("TBA") and formaldehyde are produced. MTBE is known to be carcinogenic in animals, and animal studies identify testicular tumors, hepatocellular (i.e., liver) adenomas and carcinomas, renal tubular adenomas, carcinomas, brain cancer, leukemia and lymphoma as being associated with exposure to MTBE. There is no safe level of exposure to MTBE or formaldehyde for the development of these tumors. In-vivo and in-vitro studies have identified mechanisms for MTBE-induced cellular damage in animal as well as human tissue. MTBE causes known acute adverse health effects in humans, including rashes, eye irritation, burning of the nose and throat, headaches, nausea, vomiting, cough, disorientation, dizziness, and more. Formaldehyde is a known human carcinogen.

14. Humans can be exposed to MTBE from ingestion, dermal exposure or inhalation.

15. Defendants were well aware of the properties of MTBE that rendered it a foreseeable and significant threat to groundwater resources.

16. In 1984 and 1985, Defendant Exxon, then operating as Exxon, prepared internal memoranda that outlined the risks posed by the addition of MTBE to gasoline and/or consequences of the failure to safely store gasoline containing MTBE. An April, 1984 memorandum prepared by Exxon employee, P. S. Shah, observed that "In the event of an underground tank gasoline leak, MTBE could lead to higher soluble organic concentrations in groundwater than gasoline leaks without MTBE." Other memoranda by Exxon employee Barbara Mickelson, written in 1984 and 1985, explained that "MTBE has a much higher aqueous solubility than other soluble gasoline components, such as Benzene"; "MTBE when dissolved in ground water, will migrate farther than the BTEX components before soil attenuation processes stop the MTBE migration"; and "MTBE creates the most mobile of the common gasoline plumes." Because of these properties, these memoranda advised against the widespread introduction of MTBE into gasoline: "we recommend that from an environmental risk point of view MTBE not be considered as an additive to Exxon gasolines on a blanket basis throughout the United States" and "it would appear that widespread use of MTBE has the potential of increasing our ongoing contamination incidents" Nevertheless, despite knowledge of these facts, MTBE was used as the oxygenate of choice by the oil industry, including Exxon, in their gasoline products.

17. Exxon has long been aware of the propensity of USTs to leak. Exxon was part of an extensive investigation of UST-related groundwater contamination in Jacksonville, Maryland, which is some six miles from Fallston/Baldwin. The 1980's investigation led to a number of

lawsuits filed against Exxon and to a punitive damages jury verdict against Exxon. *See Exxon Corp. v. Yarema*, 69 Md. App. 124, 153 (1986). During other litigation, Exxon representatives compiled "Underground Tank Failure Reports" that documented the existence of 187 gasoline releases from underground fuel storage tanks and their associated piping (collectively "USTs" hereafter) in 1980, 246 gasoline releases from USTs in 1981, and 159 gasoline releases from USTs in 1982. A number of these releases occurred in Maryland. A 1973 Exxon report on the problem of leaking USTs stated, "[t]he subject of underground leaks at service stations is one of growing concern to gasoline marketers. Large sums of money, time, and effort are exhausted on a continuing basis in the location and detection of leaking tanks and lines." By 1980, Exxon's annual UST testing program found that as many as 27 percent were in fact leaking. Two (2) years later, the UST failure rate was up to 38 percent.

18. Nonetheless, Exxon intentionally, knowingly, and deliberately withheld from all non-oil-industry parties information identified in the preceding paragraphs, including information known to Exxon related to specific incidents of groundwater contamination; health dangers posed to humans by MTBE contamination (including those resulting from the failure to store MTBE properly); and/or other adverse consequences resulting from the failure to safely store MTBE. Indeed, from 1986 to 1987, Exxon took public positions that (i) further medical testing related to the health effects of MTBE exposure was unnecessary; (ii) MTBE was only slightly soluble in water; (iii) potential environmental exposure to MTBE was low; and (iv) MTBE had excellent degradation characteristics- all public positions which Exxon knew to be false (or misleading); this false information was put forth by Exxon exclusively for its own benefit and to confuse and deceive the public.

19. For years, millions of gallons of gasoline with MTBE have escaped into the environment in the United States. Thousands of gallons have entered the ground from gas stations, including from USTs such as those maintained by Exxon at Crossroads Exxon.

20. Defendants Exxon and Hicks were aware that residents in the vicinity of the Crossroads Exxon, including Plaintiffs, obtain their water solely through individual wells that draw their water from the underground aquifer.

21. As early as 1990, Exxon was on notice of gasoline contamination at the Crossroads Exxon. As alleged in more detail below, Exxon habitually failed to give notice to the Plaintiffs of the dangerous releases at the station or the steps that Plaintiffs needed to take to protect themselves.

22. In August 1990, the Harford County Health Department ("HCHD") found evidence of gasoline constituents, namely MTBE, in the potable wells supplying the Crossroads Exxon (45 ppb MTBE), a restaurant located on the Exxon property, (5 ppb) and a convenience store, Wawa's, located just across the street at 2801 Fallston Road (8 ppb MTBE). In response, Defendants Exxon and Hicks conducted an investigation at the site, which included the installation of three shallow monitoring wells and collection of surface and ground water samples. Sampling of Crossroad Exxon's on-site, potable water well in October 1991 showed the presence of MTBE at 9.5 ppb.

23. In November 1994, the HCHD again sampled the water supply well of the restaurant on the Crossroads Exxon property and found MTBE at a level of 24 ppb.

24. In December 1998, routine sampling by the HCHD of a well supplying potable water to the restaurant on the Exxon property, then named Mama Libera's, revealed the presence

of MTBE at 126 ppb. The Maryland Department of the Environment (MDE) ordered Defendants to install carbon filtration systems on the restaurant's supply well and the Crossroads Exxon's supply well and sample these wells monthly for analysis. Throughout 1999, monthly analyses of samples from the Crossroads Exxon's supply well consistently revealed concentrations of MTBE up to 13.1 ppb, and up to 97 ppb MTBE from Mama Libera's water supply well. In addition to the two wells on the Exxon property, Defendants Exxon and Hicks sampled the water supply wells for eight nearby commercial and residential properties. Wells on five of these properties, one of which was a residence, all tested positive for MTBE, a substance that is man made, and unknown in the environment except for its inclusion in gasoline.

25. In February 2000, annual groundwater sampling identified eight properties near the Crossroads Exxon with MTBE contamination. Three of these were residential properties, five were commercial. One commercial property, which housed a dentist's office, hair salon and office, had MTBE at a level of 92 ppb in its potable well. In July 2000, monthly sampling on the Exxon property demonstrated unhealthy levels of MTBE with a high reading of 49.9 ppb.

26. The next annual sampling in March 2001 revealed new and increased detections of MTBE in the wells of properties on and near Crossroads Exxon, as did the 2002 annual sampling. Monthly sampling on the Exxon property revealed repeated concentrations of MTBE throughout 2001 and 2002, with a high of 53.3 ppb in 2001 and 31.3 ppb in 2002. The 2002 sampling showed the well of the nearby commercial property which housed a dentist's office, hair salon and office had MTBE at a level of 42.9 ppb. The businesses utilizing this well were finally notified by MDE of the contamination in 2002. At MDE's direction, the Defendants installed a carbon filtration system on this well.

27. In May 2003, MDE required Defendants Exxon and Hicks to perform an environmental site investigation. The October 2003 report from this investigation confirmed contamination on the Crossroads Exxon property with MTBE levels as high as 3,730 ppb in August, 2003. In March 2004, well sampling revealed MTBE levels on the Exxon property as high as 26,000 ppb. Plaintiffs were not notified of these results. In May 2004, Defendants Exxon and Hicks added several properties within the immediate vicinity of the site to its annual well sampling program. More detections of MTBE were found in off-site water supply wells, which prompted MDE to require a survey of residential wells within a half-mile from the Crossroads Exxon. On June 10, 2004, Exxon issued a letter notifying all residents within a half-mile of the Crossroads Exxon of the contamination. MDE issued a letter to residents one day later, and then issued public documents a month later deeming Exxon a source of the contamination in the Fallston area.

28. Plaintiffs were not notified of the groundwater contamination or the facts related to any investigation prior to June of 2004.

29. Regular and repetitive well testing on the site and in the vicinity of the Crossroads Exxon has revealed the presence not only of MTBE, but also of other petroleum hydrocarbons and volatile organic compounds, including TAME. MTBE has been identified at measurable levels in hundreds of private wells. Exxon installed granular activated carbon ("GAC") filtration systems on 193 private wells in Fallston/Baldwin, according to the MDE.

30. Clean water is a basic and most precious resource as well as a fundamental and valuable commodity. Water serves direct human needs and also supports wildlife and natural

resources that contribute to the health, economy, and general well being of the people of Harford County, Maryland.

31. Defendants' release of gasoline and gasoline constituents from Crossroads Exxon has caused widespread contamination of the Fallston/Baldwin groundwater, and area properties, including real properties of the Plaintiffs. Defendants were well aware that the aquifer directly beneath the Crossroads Exxon was the sole source of water for hundreds of residents. Contamination from gasoline and gasoline constituents has occurred with Defendants' knowledge, and Defendants' conduct has caused vast areas of the aquifer underlying Plaintiffs' real properties to become contaminated and/or threatened with contamination. Such contamination poses known, material health risks to nearby residents, including Plaintiffs. Such contamination has also had an immediate, material adverse impact upon the value, use and enjoyment of the real property owned by Plaintiffs.

32. The GAC systems installed, but not properly maintained, by Exxon created maintenance issues leading to substantial decreases in water pressure; permanent staining of porcelain fixtures; increased odor in the treated water; and the presence of other volatile organic compounds, presumably emanating from the piping associated with these systems, as well as other problems. The presence of the treatment systems have produced and continue to produce emotional distress that Plaintiffs have had to deal with. In many cases, these GAC systems have been completely replaced more than once.

33. The repeated and necessary testing of Plaintiffs' private wells produces stress and has posed a hardship on Plaintiffs that affects their quality of life, including interference with work and school schedules to accommodate the testing.

34. Plaintiffs' have and will continue to suffer a diminution in value of their properties, a loss of use and enjoyment of those properties, and emotional distress as a result of Defendants' acts and omissions.

35. Defendants' conduct, as alleged in the preceding paragraphs, continues through the present time - including Defendants' present stated position that the MTBE contamination of the aquifer beneath the Crossroads Exxon did not emanate from the Crossroads Exxon, a fact they know to be untrue.

36. Despite knowing of the existence of gasoline constituents in the wells at the Upper Crossroads Exxon and in surrounding water supply wells for years, Defendants withheld the information from Plaintiffs. Defendants also failed to provide adequate remediation and restoration of the aquifer supplying water to Fallston/Baldwin residents, including Plaintiffs.

37. As a result of Defendants' release of gasoline and gasoline constituents, residents in the area, including Plaintiffs, have an increased risk of developing cancer and other illnesses, and of suffering other acute health effects, and/or the exacerbation of existing medical conditions.

38. At all times relevant to this action, Exxon intentionally, willfully, wantonly and maliciously chose to and continued to store and distribute gasoline containing MTBE additive through Crossroads Exxon in the Fallston/Baldwin area, an area that relies solely on its underground water supply for potable water. Exxon did so with knowledge that any release of gasoline at the Crossroads Exxon increased groundwater contamination in the vicinity.

39. The harm suffered by Plaintiffs was the result of Defendants' intentional acts and omissions as well as Defendants' conscious disregard for the safety of an identifiable and

foreseeable group of individuals, including Plaintiffs, who likely would be harmed by the release of gasoline and gasoline constituents, including MTBE. Defendants' intentional wrongdoing included, *inter alia*, installing UST systems known by them to be defective *ab initio* owing to the lack of a tank field liner, or any secondary containment on the tanks or the UST piping; failing to appropriately monitor and control UST systems and associated equipment that they knew were likely to release toxic chemicals into the subsurface that would readily dissolve into groundwater and otherwise contaminate drinking water and Plaintiffs' properties; failing to maintain, and intentionally destroying, records essential for assessing and understanding the station's impact on the aquifer; and intentionally concealing the extent, nature and details of their investigation and remediation of the contamination from the Plaintiffs and the MDE; and concealing from potentially exposed individuals, the known release of harmful and hazardous substances into and around their water supply. Exxon deliberately, recklessly and/or intentionally failed to remediate, mitigate, or contain the contamination. Moreover, Defendants concealed from Plaintiffs, the MDE and other members of the public the existence, nature and extent of both the releases and the resulting contamination.

40. Defendants' knowing and intentional misconduct constitutes actual malice under Maryland law.

41. Alternatively, Defendants acted with actual malice by virtue of their conscious disregard for a known risk to the health and safety of the Plaintiffs posed by the continued operation of the Crossroads Exxon.

COUNT I

(*Private Nuisance*)

42. Plaintiffs reallege and incorporate by reference the allegations contained in Paragraphs 1 through 41 inclusive, as if fully and completely restated herein.

43. Defendants own, owned, maintained, repaired, operated and/or otherwise exercised control over Crossroads Exxon's petroleum storage and distribution-related equipment and the UST systems and associated piping during the entire period of the station's existence, and are therefore responsible for gasoline and gasoline constituents that were and continue to be released into the subsurface, groundwater and surrounding land.

44. At all material times, Plaintiffs were in lawful possession of their land. Defendants' use, storage, sale and/or distribution of gasoline containing MTBE and/or other volatile gasoline constituents, and/or construction, maintenance, repair and operation of the USTs and associated equipment at the Crossroads Exxon was unreasonable or intentional and resulted in an unreasonable, substantial and continuous invasion of Plaintiffs' properties from harmful gasoline constituents, which has materially diminished the value of the Plaintiffs' properties and seriously interfered with Plaintiffs' ordinary rights to use and enjoy their properties. This unreasonable, substantial and continuous invasion also includes the presence of Defendants' employees, representatives, contractors, and other agents, as well as their equipment, machinery and vehicles, on and near Plaintiffs' properties to conduct well sampling, tests, drilling activities, and other remediation efforts.

45. Defendants' unreasonable emission, disposal and release of toxic and hazardous substances into Plaintiffs' land and drinking water supply is substantially offensive, discomforting and annoying to persons of ordinary sensibilities, tastes and habits. The

offensiveness, discomfort, and annoyance consist of, inter alia, oppressive odors and fumes, persistent noise, and other disruptions.

46. Defendants' interference with Plaintiffs' use and enjoyment of their properties has been so unusual, pervasive and excessive that it necessarily caused, and continues to cause, immediate and substantial damage, harm and inconvenience to Plaintiffs. Plaintiffs' specific damages include, but are not limited to, the cost of obtaining a temporary alternate water supply for their personal use; restoration costs attributable to the presence of gasoline and/or gasoline constituents on their properties; and damages from increased traffic and inconvenience from Defendants' employees, representatives, contractors, and other agents for the purposes of conducting sampling and other investigative tasks and remedial activities on and near their properties.

47. Defendants' unreasonable and/or intentional conduct regarding gasoline storage and remediation, and the construction and operation of the Crossroads Exxon station has resulted in an entry and intrusion, and the continued entry and intrusion onto and into Plaintiffs' properties without privilege, permission, invitation or justification, and constitutes a nuisance.

48. Defendants' unreasonable and/or intentional conduct and continued course of action, inaction and/or omissions are a direct and proximate cause of Plaintiffs' injuries, including harm to their persons and property, and presents an increased risk of future harm. Plaintiffs are entitled to recover damages for the costs of such present and future injuries, including: non-economic impacts; costs of providing and maintaining a program of medical monitoring based on any exposures to gasoline and its constituents; costs related to diminution of property value and loss of property appreciation; loss of personal enjoyment and use of property

by reason of deprivation of supply and use of Plaintiffs' water supply and contamination and/or threat of contamination; creation, installation, and maintenance of point of entry treatment systems ("POET") equipped with ultra-violet light; and damages for all other losses and injuries caused by Defendants.

49. Defendants' unreasonable and/or intentional conduct and continued course of action, inaction and/or omissions are the direct and proximate cause of the damage to each Plaintiff's water supply in the Fallston/Baldwin area. Plaintiffs are also entitled to recover damages for the costs of restoration, reimbursement and remediation of Plaintiffs' water supply, including payment by Exxon of all costs associated with restoration and remediation.

WHEREFORE, each Plaintiff claims FIFTEEN MILLION DOLLARS (\$15,000,000.00) in compensatory damages and SEVENTY-FIVE MILLION DOLLARS (\$75,000,000.00) in punitive damages, plus interest and costs; and further, Plaintiffs claim EIGHT HUNDRED FIFTY MILLION DOLLARS (\$850,000,000.00) for restoration, reimbursement and remediation of their water supply.

COUNT II

(Trespass to Property)

50. Plaintiffs reallege and incorporate by reference the allegations contained in Paragraphs 1 through 49 inclusive, as if fully and completely restated herein.

51. Plaintiffs were at all relevant times in lawful possession of land they owned and/or occupied.

52. Defendants knew that gasoline and/or gasoline constituents discharged from the UST systems at the Crossroads Exxon would migrate, or would be likely to migrate, into

groundwater serving as Plaintiffs' drinking water supply and that the groundwater would carry the contaminants onto Plaintiffs' real property.

53. Despite Defendants' knowledge that their activities at the Crossroads Exxon station could foreseeably contaminate the water supplies of an identifiable group of residents in the area, including Plaintiffs, Defendants intentionally persisted in their conduct and continued a course of action, inaction and/or omissions that resulted in the discharge of gasoline and/or gasoline constituents into the groundwater that serves Plaintiffs' private wells and surrounding land.

54. The discharge of gasoline and/or gasoline constituents onto and into Plaintiffs' properties and potable water supply has interfered, and continues to interfere, with the Plaintiffs' interests in the exclusive possession their land, and therefore constitutes an actual and/or constructive trespass to Plaintiffs' properties.

55. Plaintiffs' properties continue to be threatened, exposed to and/or contaminated by hazardous chemicals and materials, including gasoline and/or gasoline constituents, emanating from the site of the former Crossroads Exxon station.

56. Defendants' conduct regarding gasoline at Crossroads Exxon station has resulted in an unlawful entry and intrusion onto Plaintiffs' properties without privilege, permission, invitation or justification. Defendants' conduct in causing this trespass exhibited actual malice and ill-will with intent to injure the Plaintiffs. Defendants actions and omissions, as set forth herein, are a proximate cause of the contamination of all Plaintiffs' water supply and are the direct and proximate cause of injuries and damages to the Plaintiffs.

57. Plaintiffs are entitled to recover damages for the costs of such present and future injuries, including: non-economic impacts; costs of providing and maintaining a program of medical monitoring based on any exposures to gasoline and its constituents; costs related to diminution of property value and loss of property appreciation; loss of personal enjoyment and use of property by reason of deprivation of supply and use of Plaintiffs' water supply and contamination and/or threat of contamination; creation, installation, and maintenance of POET systems equipped with ultra-violet light; and damages for all other losses and injuries caused by Defendants.

58. Defendants' conduct and continued course of action, inaction and/or omissions are the direct and proximate cause of the damage to each Plaintiff's water supply in the Fallston/Baldwin area. Plaintiffs are entitled to recover damages for the costs of restoration, reimbursement and remediation of Plaintiffs' water supply, including payment by Exxon of all costs associated with restoration and remediation.

WHEREFORE, each Plaintiff claims FIFTEEN MILLION DOLLARS (\$15,000,000.00) in compensatory damages and SEVENTY-FIVE MILLION DOLLARS (\$75,000,000.00) in punitive damages, plus interest and costs; and further, Plaintiffs claim EIGHT HUNDRED FIFTY MILLION DOLLARS (\$850,000,000.00) for restoration, reimbursement and remediation of their water supply.

COUNT III

(Negligence)

59. Plaintiffs reallege and incorporate by reference the allegations contained in Paragraphs 1 through 58 inclusive, as if fully and completely restated herein.

60. Defendants stored and handled gasoline and installed and maintained gasoline handling equipment at the Crossroads Exxon.

61. Defendants knew or should have known that if gasoline containing MTBE and/or other volatile gasoline constituents was spilled or otherwise released into the subsurface, it would mix with groundwater and spread its toxic plume over great distances. Accordingly, Defendants knew or should have known that any conduct resulting in a release of gasoline in a high risk groundwater use area such as the Fallston/Baldwin area, could and would cause substantial injury to Plaintiffs. Defendants likewise knew or should have known that any delay or deficiency in identifying the existence of a gasoline release and in taking necessary measures to halt or mitigate the discharge and migration of contamination would inure to the severe detriment of the Plaintiffs.

62. Defendants owed Plaintiffs a duty to exercise reasonable care in the location, design, construction and maintenance of their filling station; in the operation, maintenance, and repair of the UST systems and associated piping, above-ground dispensers and line leak detection systems; and in the storage, handling, cleanup and disposal of their harmful and hazardous gasoline and gasoline constituents. Defendants owed a specific duty to Plaintiffs to prevent and contain the discharge and release of substances that foreseeably could harm the persons, property or economic interests of Plaintiffs. Defendants also had a specific duty to warn or notify Plaintiffs and government officials that discharges or releases of these substances had occurred, were suspected to have occurred, or were likely to occur in the future, and to warn or notify residents in the area, including Plaintiffs, of the potential hazards of exposure to these toxic and hazardous substances.

63. As further detailed herein, Defendants breached one or more duties owed to Plaintiffs by failing: to properly design, and/or install a UST system suitable for a community served by a sole-source aquifer, maintain, and/or monitor the buildings, facilities, underground storage tanks, and associated systems at the Crossroads Exxon (e.g., failing to report and/or investigate evidence of gasoline releases, in violation of state regulation); to notify Plaintiffs of the contamination; and to adequately mitigate the harm to the Plaintiffs' water supply. The Defendants were also negligent in their failure to properly design, install and maintain the GAC water filtration systems installed in the affected Plaintiffs' homes.

64. Defendants breached duties and exhibited actual malice and acted with evil motive, intent to injure and ill-will toward Plaintiffs, and their conduct resulted in dangerous releases of hazardous and toxic substances onto and into Plaintiffs' land and water supply. These actual and continued releases and discharges have subjected Plaintiffs to an unreasonable risk of harm, threat of future harm, and actual injuries to their persons, property and economic interests.

65. After 1990, when the offsite contamination of a private water well became known to Exxon, in complete disregard for the safety, health and welfare of Plaintiffs, Exxon intentionally concealed the extent and the harmful nature of its discharged gasoline and gasoline constituents through defective investigation, "emergency" response and remediation procedures. Exxon knowingly and intentionally limited its testing and investigation of soil and groundwater and knowingly and intentionally concealed and misrepresented the spread and migration of contamination onto and into Plaintiffs' property and into Plaintiffs' drinking water supply.

66. Defendants' negligence was a direct and proximate cause of injuries to Plaintiffs causing actual and continuing harm to Plaintiffs' persons and property, and creating an increased

risk of future harm to Plaintiffs. All of these injuries were caused by negligence of the Defendants without any negligence by the Plaintiffs. Plaintiffs are entitled to recover damages for the costs of such present and future injuries, including: non-economic impacts; costs of providing and maintaining a program of medical monitoring based on any exposures to gasoline and its constituents; costs related to diminution of property value and loss of property appreciation; loss of personal enjoyment and use of property by reason of deprivation of supply and use of Plaintiffs' water supply and contamination and/or threat of contamination; creation, installation, and maintenance of POET systems equipped with ultra-violet light; and damages for all other losses and injuries caused by Defendants.

67. Defendants' conduct and continued course of action, inaction and/or omissions are the direct and proximate cause of the damage to each Plaintiff's water supply in the Fallston/Baldwin area. Plaintiffs are entitled to recover damages for the costs of restoration, reimbursement and remediation of Plaintiffs' water supply, including payment by Exxon of all costs associated with restoration and remediation.

WHEREFORE, each Plaintiff claims FIFTEEN MILLION DOLLARS (\$15,000,000.00) in compensatory damages and SEVENTY-FIVE MILLION DOLLARS (\$75,000,000.00) in punitive damages, plus interest and costs; and further, Plaintiffs claim EIGHT HUNDRED FIFTY MILLION DOLLARS (\$850,000,000.00) for restoration, reimbursement and remediation of their water supply.

COUNT IV

(Strict Liability)

68. Plaintiffs reallege and incorporate by reference the allegations contained in Paragraphs 1 through 67 inclusive, as if fully and completely restated herein.

69. At all relevant times, Defendants owned, operated and/or otherwise exercised control over the Crossroads Exxon's petroleum storage and distribution related equipment and the UST systems and associated piping during the entire period of the station's existence, and are therefore responsible for gasoline and gasoline constituents that were and continue to be released into the subsurface, groundwater and surrounding land.

70. The use, storage, sale and distribution of gasoline containing MTBE and/or other volatile gasoline constituents is an abnormally dangerous activity in this context, by exposing those who work and live in the high risk groundwater use area of Fallston/Baldwin, and patronize nearby businesses, to an unreasonable and severe risk of harm, regardless of the degree of caution which Defendants might have exercised. Maryland's Court of Appeals and Court of Special Appeals have both recognized that the placement of gasoline USTs in close proximity to private residences and drinking water wells constitutes an abnormally dangerous activity from which strict liability shall arise. *See Yommer v. McKenzie*, 255 Md. 220, 257 (1969); *Yarema*, 69 Md. App. at 153; *see also*, the Exxon Complaint in *Exxon Corp. v. Amoco Oil Co.*, U.S. District Court of the District of Maryland, Civil Action File No.: HAR 84-11).

71. Defendants knew of the environmental and health hazards associated with the release of gasoline constituents into the subsurface, groundwater and surrounding land. Although Plaintiffs maintain that Defendants' activities are abnormally dangerous, per se, the location of the USTs and the conduct of the aforesaid activities in a well-populated area, such as

Fallston, which solely relies on groundwater as a water resource, renders Defendants' activities abnormally dangerous.

72. As a direct and proximate result of Defendants' abnormally dangerous use, storage, sale and distribution of gasoline and gasoline constituents on the property described herein, gasoline and gasoline constituents were released into the environment, thereby causing past, present and future injury to Plaintiffs. Plaintiffs' injuries include actual present harm to their persons and property, the present threat of future harm to Plaintiffs' persons and property; and the threat of future contamination of Plaintiffs' persons and property. These injuries constitute the types of harm that make Defendants' activities abnormally dangerous.

73. After 1990, when the offsite contamination of a private water well became known to Defendants, in complete disregard for the safety, health and welfare of Plaintiffs, Exxon intentionally concealed the extent and the harmful nature of its discharged gasoline and gasoline constituents through defective investigation, "emergency" response and remediation procedures. Defendants knowingly and intentionally limited their testing and investigation of soil and groundwater and knowingly and intentionally concealed the spread and migration of contamination onto and into Plaintiffs' property and into Plaintiffs' drinking water supply.

74. As a direct and proximate result of Defendants' abnormally dangerous activities, Plaintiffs are entitled to recover damages for the costs of such present and future injuries, including: non-economic impacts; costs of providing and maintaining a program of medical monitoring based on any exposures to gasoline and its constituents; costs related to diminution of property value and loss of property appreciation; loss of personal enjoyment and use of property by reason of deprivation of supply and use of Plaintiffs' water supply and contamination and/or

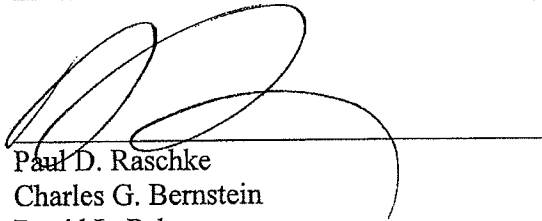
threat of contamination; creation, installation, and maintenance of POET systems with ultra-violet light; and damages for all other losses and injuries caused by Defendants.

75. In maintaining an abnormally dangerous Crossroads Exxon gas station over the course of years, Defendants' conduct exhibited actual malice and was with evil motive, intent to injure and ill-will toward Plaintiffs. Defendants continued their course of action, inaction and/or omissions which are the direct and proximate cause of the damage to each Plaintiff's water supply in the Fallston/Baldwin area. Plaintiffs are also entitled to recover damages for the costs of restoration, reimbursement and remediation of Plaintiffs' water supply, including payment by Exxon of all costs associated with restoration and remediation.

WHEREFORE, each Plaintiff claims FIFTEEN MILLION DOLLARS (\$15,000,000.00) in compensatory damages and SEVENTY-FIVE MILLION DOLLARS (\$75,000,000.00) in punitive damages, plus interest and costs; and further, Plaintiffs claim EIGHT HUNDRED FIFTY MILLION DOLLARS (\$850,000,000.00) for restoration, reimbursement and remediation of their water supply.

Respectfully submitted,

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KENNETH ACKERMAN, *et al.*,

Plaintiffs,

v.

JOHN R. HICKS, *et al.*,

Defendants.

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IN THE

CIRCUIT COURT

FOR

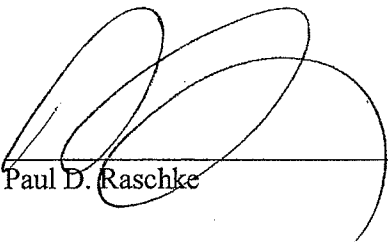
HARFORD COUNTY

CASE NO.: _____

* * * * *

PRAYER FOR JURY TRIAL

Pursuant to MD. R. Civ. P. 2-325(a), Plaintiffs hereby elect to have their case tried before
a jury.


Paul D. Raschke

KENNETH ACKERMAN, et al.,

Plaintiffs,

v.

JOHN R. HICKS, et al.,

Defendants.

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IN THE

CIRCUIT COURT

FOR

HARFORD COUNTY

CASE NO.: _____

* * * * *

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of November, 2011, copies of the foregoing COMPLAINT and PRAYER FOR JURY TRIAL were served, by agreement, via electronic mail and priority mail postage prepaid, on all counsel listed below:

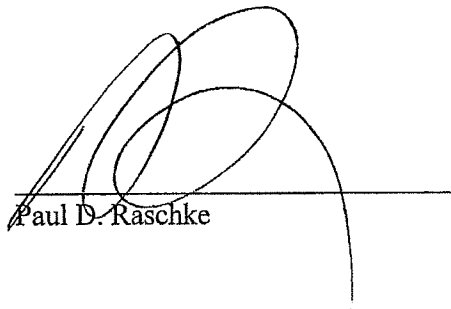
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